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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Assistance to unaccompanied refugee minors

Report of the Secretary-General

I. INTRODUCTION

1. At its fiftieth session, on 21 December 1995, the General Assembly adopted resolution 50/150, in which, inter alia, it:

(a) Reaffirmed its resolution 49/172 of 23 December 1995, took note of the report of the Secretary-General on assistance to unaccompanied minors (A/50/555) and expressed its deep concern at the plight of unaccompanied refugee minors;

(b) Called upon all Governments, the Secretary-General, the United Nations High Commissioner for Refugees and all United Nations organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return to and reunification with their families;

(c) Urged the Office of the United Nations High Commissioner for Refugees (UNHCR), all United Nations and other organizations concerned to take appropriate steps to mobilize resources commensurate to the needs and interests of the unaccompanied refugee minors and for their reunification with their families;

(d) Condemned all acts of exploitation of the unaccompanied minors, including their use as soldiers or human shields in armed conflict and their

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* A/51/150.

recruitment into military forces, and any other acts that endanger their safety and personal security;

(e) Called upon the Secretary-General, the High Commissioner, the Department of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund (UNICEF) and other United Nations organizations to mobilize adequate assistance to unaccompanied minors in the area of relief, education, health and psychological rehabilitation;

(f) Requested the Secretary-General to report to the General Assembly at its fifty-first session on the implementation of the resolution.

II. BACKGROUND

2. Children usually constitute more than half of the total refugee population. Because they are vulnerable, dependent and developing, refugee children need targeted care and assistance. Unaccompanied children have the same needs as other children. In addition, they have protection and assistance needs that are specific to refugee children who have become separated from their families.

3. All children are entitled to the provision of their basic subsistence needs. Assistance to separated children or to adults or organizations responsible for their care must be provided in a manner that adequately meets their basic needs at a standard comparable to their surrounding community. Vulnerable families must not be led to believe that unaccompanied children are a "privileged" class, standing a better chance of survival than children living with families. Hunger and poverty threaten family unity and care must be taken to ensure that vulnerable families are supported. The present report focuses on protection and assistance needs that are specific to refugee children who are unaccompanied.

4. In keeping with the Convention on the Rights of the Child (General Assembly resolution 44/25, annex), a child, or a minor, is considered to be a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. The term "refugee child" may in the present report be understood to include those children who are refugees, returnees, asylum-seekers and displaced persons or others of concern to UNHCR.

5. UNHCR and UNICEF define unaccompanied children as those who are separated from both parents and are not being cared for by an adult who, by law or by custom, is responsible for doing so. While unaccompanied children are now carefully registered in most refugee situations, it is difficult to determine the number of unaccompanied children worldwide. Availability of reliable statistics, the awareness of the presence of unaccompanied children, differences from one refugee situation to another as to who is considered to be an unaccompanied child and the way in which countries record such children vary greatly. For example, more than 100,000 Rwandan children have been registered as unaccompanied, inside and outside their country of origin, while there is no equivalent global estimate regarding Liberian children considered to be unaccompanied, in their country of origin and in neighbouring countries.

III. INTER-AGENCY COOPERATION

6. UNHCR is mandated to provide international protection and assistance to refugees, including refugee children, and to promote durable solutions to their problems. UNICEF also, in accordance with its mandate, has been called upon by its Executive Board to provide emergency assistance to refugee and displaced children and women.

7. The heads of UNHCR and UNICEF in March 1996 signed a memorandum of understanding whereby the two agencies agreed, inter alia, to strengthen collaboration to develop, coordinate and apply appropriate policies, standards and strategies for the care and family reunification of unaccompanied children.

8. Unaccompanied children are found both within their country of origin and in exile among refugee populations. The memorandum of understanding provides that, within the country of origin, UNICEF will assist national authorities to develop, coordinate and apply appropriate policies, standards and strategies for the care and family reunification of unaccompanied children in their own country. UNHCR takes the lead in relation to unaccompanied children among refugee populations.

9. The two organizations will collaborate in the further development and use of global programming guidelines and standards, will ensure the necessary operational coordination and information-sharing between operations in countries of asylum and of origin and will develop guidelines and training materials for activities addressing the needs of children traumatized by exposure to armed conflict and extreme violence. Both agencies will coordinate with the International Committee of the Red Cross (ICRC) in relation to tracing and reunification activities.

10. Collaboration between the two agencies has been particularly close in the Rwanda/Burundi emergency. Of the more that 100,000 unaccompanied children registered in and outside Rwanda and Burundi as a result of the conflict, more than 33,000 children had been reunited with their families by 1 May 1996. Tracing continues, and in the meantime most children live in foster families. Orphanages and centres for unaccompanied children have been systematically closed down in many locations and the children have been moved back into their community.

11. There are many serious threats facing children in the Rwanda/Burundi situation. Good results in tracing and reunification of unaccompanied children should, however, be acknowledged. Results are due, inter alia, to cooperation between UNHCR, UNICEF and ICRC, including the development of joint standards and policies, and the close collaboration with non-governmental organizations, Governments and local authorities. Cooperation with non-governmental organizations with expertise in registration, tracing and family reunification and in prevention of further separation of families was developed over the reporting period.

IV. EMERGENCY KIT FOR UNACCOMPANIED CHILDREN

12. Within the framework of the then ongoing deliberations over the memorandum of understanding between UNHCR and UNICEF, the two agencies decided to develop jointly an emergency kit for unaccompanied children, to be deployed in emergency situations to facilitate coordination and enhance the quality of the response to the needs of separated children. It was seen as important to give this initiative a broad base, building on lessons learned from earlier emergencies and those practices that have proved to be in the best interests of the child.

13. ICRC and some highly specialized non-governmental organizations (Save the Children Fund, Rädda Barnen and Food for the Hungry International) were invited, together with UNICEF and UNHCR staff, to a workshop in Nairobi in December 1995. The purpose of the workshop was to make recommendations as to priority policy messages to convey early in an emergency situation and possible tools that could facilitate the work of the staff of the United Nations and non-governmental organizations facing large numbers of unaccompanied children.

14. Based on recommendations from the workshop, the two United Nations agencies have jointly developed a priority actions handbook - a checklist of what to do, in which sequence, how and with which tools - and assembled a sample emergency kit containing those tools. Among the tools are cameras and film for registration and photo tracing, a megaphone for immediate reunification attempts in-camp, copies of a registration handbook to ensure that important information about the child is registered as soon as possible, and written models and samples of forms and agreements that have worked in earlier emergencies.

15. The sample emergency kit will need some minor refinement and will be shared with the non-governmental organizations that largely contributed to its creation for their comments and advice. It should, however, be noted that if a refugee emergency were to erupt, the sample kit would be ready for field testing. Staff would thus have written policy guidance and practical tools to help ensure that the needs of unaccompanied children are met to the extent possible and that avoidable mistakes are not repeated.

16. The next steps in the joint development of standards and tools by UNHCR and UNICEF are a training video and a training programme for field staff of the United Nations and non-governmental organizations who would be deployed in an emergency situation without the necessary experience in handling a major influx of unaccompanied children.

V. PSYCHOSOCIAL WELL-BEING

17. Psychosocial needs of unaccompanied children are intrinsic to basic needs and should not be relegated to a position of secondary importance. The provision of food, shelter, water and other services related to physical survival often takes precedence in large-scale emergencies. Meeting developmental needs is equally essential, particularly for children living without the emotional support of their family.

18. Guidance on how to provide psychosocial support to unaccompanied children is part of the emergency kit described in section IV above. The best solution is to trace and reunify the child with his or her family. Growing up in a good foster family with support from the community while tracing continues may also provide good support for the child. Centres for unaccompanied children or orphanages usually are unable to meet fully the emotional and developmental needs of the children, and, with the active support of Governments, other and more appropriate long-term, family-based solutions are identified.

19. UNHCR tries to include the re-establishment of a family and community-based psychosocial support system within the framework of its community services. UNICEF activities for unaccompanied Rwandan children in eastern Zaire included trauma counselling through the assistance of implementing partners and a system for tracing and foster care for separated children. In Burundi, UNICEF assistance included the identification of 14,000 unaccompanied children, mainly from the 1993 emergency, of which 11,000 were placed in foster families. UNICEF also has provided guidelines for parents, social workers and educators on dealing with traumatized children.

VI. SOME PERSISTENT PROTECTION PROBLEMS

20. In the following paragraphs, three issues of concern related to the protection of unaccompanied children will be discussed: (a) military recruitment and child soldiers; (b) sexual exploitation; and (c) the evacuation of children from zones of conflict. In the areas of child soldiers and sexual exploitation, new research commissioned by the United Nations Study on the Impact of Armed Conflict on Children (the Machel Study) has added to the knowledge of the character and the scope of the problems.

A. Military recruitment

21. The report entitled "Children: the invisible soldiers" of the Child Soldiers Research Project, headed by representatives of the Quaker United Nations Office and the International Catholic Child Bureau, for the United Nations Study on the Impact of Armed Conflict on Children, clearly documents that unaccompanied refugee children are among those most likely to be recruited, whether willingly or unwillingly.

22. Three of the findings of the Child Soldiers Research Project are of particular importance to the protection of unaccompanied refugee children. First, the evidence of the report is that children are recruited predominantly because too few adult recruits are forthcoming, or in order to use them as spies or to commit atrocities. Children become soldiers because they are available and are more easily forced, intimidated or persuaded into joining armed forces or groups. Those children who volunteered to serve in non-governmental armed groups most commonly cited a sense of personal or family vulnerability arising from harassment by governmental armed forces. Among the most likely to be recruited are children separated from their family, the socially and economically deprived, including those without access to education, and marginalized groups such as street children, certain minorities, refugees and

internally displaced. Children from the conflict zones are among the most likely to be recruited.

23. Secondly, it is documented that Governments can prevent or minimize under-age recruitment by introducing proper recruitment procedures, prohibiting forced recruitment and introducing a clear minimum age. Proper safeguards, including requirements of proof of age, should be enforced to ensure that under-age recruitment does not take place. To require proof of age, however, presupposes that individuals have a birth registration or identity document. Lack of documentation is sometimes a problem where unaccompanied refugee children are concerned and is an area requiring attention. Thirdly, children and their families need to know their rights and the means of redress open to them.

24. The many problems faced by demobilized child soldiers, including difficulties in reintegrating into their families and communities and the risk of remaining isolated from any system of care, protection and support, are yet another argument in favour of added attention to the prevention of recruitment and participation of children. UNHCR and UNICEF strongly support the adoption of a proposed optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, raising the minimum age of any kind of recruitment into armed forces or armed groups and for any kind of participation in hostilities to 18 years. Both agencies actively participate, as does ICRC, in the Working Group established under the Commission on Human Rights to draft such an optional protocol.

25. In Angola, Rwanda, Mozambique, Sierra Leone and Liberia, UNICEF, in collaboration with non-governmental organizations, is taking an active part in negotiating the release of child combatants into its care for trauma counselling, relief assistance, reunification with their families and rehabilitation, including education and vocational training. UNHCR is running programmes for children who have been associated with the former military, inter alia, in camps in the Great Lakes region.

26. The Child Soldiers Research Project makes several recommendations directed to Governments, UNHCR, UNICEF and others. The final report of the United Nations Study on the Impact of Armed Conflict on Children, to be presented to the General Assembly at its fifty-first session, has made the banning of child participation in armed conflict one of its priority themes. UNHCR and UNICEF will carefully review the recommendations of the study in this area and the background material from the Child Soldiers Research Project with a view to how the agencies can contribute most effectively to the protection of children against these forms of abuse.

B. Sexual exploitation

27. Progress has been made through research commissioned by the Machel Study in documenting the nature and magnitude of sexual violence against children in situations of armed conflict. As is the case of child soldiers, unaccompanied refugee children are also at risk of sexual exploitation and abuse. A preliminary study entitled "An End to Silence" based on 12 country reports, has

been done by Terre des Hommes on behalf of the non-governmental organization Group for the Convention on the Rights of the Child. It documents that once a child has been removed from the protective framework of the family, owing to violence or disruption caused by armed conflict, or because the family lives in extreme poverty, the child becomes much more vulnerable to sexual violence, abuse or exploitation.

28. The preliminary study for the Machel Study was done in preparation for the World Congress against the Commercial Sexual Exploitation of Children, to be held at Stockholm in August 1996. UNICEF is one of the organizers of the World Congress and UNHCR together with the Group for the Convention on the Rights of the Child will co-sponsor a Congress working group focusing on the sexual exploitation of children during armed conflict. The vulnerability of unaccompanied children in this context will be highlighted, and recommendations for the enhanced protection of unaccompanied refugee children against such abuse will be discussed.

29. Sexual violence against children in armed conflict includes rape, sexual humiliation, forcing children to witness sexual violence against relatives or friends, and the involvement of children in prostitution, remunerated in cash or in kind. Children particularly at risk include those who are already in difficult circumstances, including unaccompanied children, those displaced with their families and those affected by poverty. Some boys are targeted for sexual violence, but the overwhelming majority of the victims are girls.

30. On the basis of the case studies for the Terre des Hommes report, the main perpetrators of sexual abuse and exploitation of children appear to be the armed forces of the parties to the conflict. In addition to rape and other forms of sexual violence, the military frequently appear to take advantage of their position of power and of the disruption caused by conflict to exploit children and adolescents sexually. Furthermore, 6 of the 12 country reports prepared for the Group for the Convention on the Rights of the Child mention the presence of peacekeeping forces as having favoured the development of child prostitution.

C. Evacuation of children

31. Evacuation of children from areas of conflict has continued over the last year. Some children have encountered problems upon return - or because they have not been able or willing to return. Most recently, in Liberia, an orphanage with 75 Sierra Leonean unaccompanied children had to be evacuated from Monrovia to Freetown when the fighting started again in early May. These children had earlier been evacuated from Vahun to Monrovia when the security situation in Vahun deteriorated in December 1993. The files of the children were lost during the looting of their centre in Monrovia. Re-registration has been done to the extent possible in Freetown, and efforts will be made to trace families in Sierra Leone and in Guinea.

32. In Rwanda, following the closure of Kibeho camp for internally displaced persons, UNICEF organized a search for the unaccompanied children in the camp. With the assistance of the United Nations Assistance Mission to Rwanda (UNAMIR) and non-governmental organizations these children were transported to safe

sites. Evacuations of unaccompanied children to safer sites have also taken place in Burundi, initiated by UNHCR, owing to security incidents. Most children were transferred to another camp, while adolescents living independently fled to the United Republic of Tanzania. Their individual files have been transferred to the UNHCR office there to facilitate tracing.

33. Some individual unaccompanied children and groups of children who were evacuated to European countries in the early days of the conflict in Rwanda have been returned to their home country, with or without the involvement of UNHCR. It may be recalled that UNHCR, together with UNICEF, ICRC and the International Federation of Red Cross and Red Crescent Societies (IFRC) in 1994 issued a statement on, inter alia, evacuation, referring to the situation in Rwanda. Parties considering the evacuation of children were recommended first to explore possibilities of taking children to neighbouring countries. A group of Rwandan children evacuated to Italy returned late in 1995, while another group of 46 children returned from France in July 1996. Negotiations are ongoing for the return of individual cases, of which several remain pending. This may serve to illustrate that evacuations of children may last much longer than intended, and that many practical and emotional obstacles to return of the evacuated child may further disrupt family links in a way that was not foreseen at the time of the evacuation.

34. Owing to the tense security situation in Burundi and the high number of unaccompanied children, much attention has been given to keeping the files of the children updated and available in case children have to leave quickly again. UNICEF has assisted in the setting-up of a national network to assure follow-up of unaccompanied children living in foster families.

35. In the aftermath of evacuations undertaken from the former Yugoslavia in the early days of the conflict, in particular from Bosnia and Herzegovina, there is still concern that not all children have been properly registered. To date approximately 7,000 unaccompanied children have been registered in Bosnia and Herzegovina, Croatia, Slovenia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia under the UNHCR Operation ReUNite programme. With the signing of the Dayton Agreement, an environment now exists in Bosnia and Herzegovina for the registering and assisting of unaccompanied children. UNHCR, through its implementing partners in both the Federation and the Republika Srpska area, is currently carrying out a registration of unaccompanied children who were unable to be registered during the conflict period. UNHCR estimates that the number of such children could be well above 300.

36. UNHCR, UNICEF and several non-governmental organizations are working closely with local social services authorities inside Bosnia and Herzegovina to trace and reunify unaccompanied children with their families and to set up alternative care for those whose families have not been found. Training of national staff is an important component of this collaboration.

37. UNHCR is currently undertaking a survey of all unaccompanied children resettled from 1985 to 1995 through Headquarters. Preliminary findings indicate that more than 80 per cent of all unaccompanied children did in fact have family links in resettlement countries. A large group of those without links is

constituted by Vietnamese refugees resettled in the late 1980s. Family links play a critical role in helping the young adjust to the significant social, cultural and psychological challenges of adapting to a new environment. It should be noted that resettlement is considered only on an exceptional basis after case-by-case examination. In general, resettlement is promoted when other solutions are not appropriate. In some cases, resettlement may be the only viable durable solution for an unaccompanied child.

VII. UNACCOMPANIED CHILDREN IN COUNTRIES PRACTISING INDIVIDUAL REFUGEE STATUS DETERMINATION

38. During the reporting period, several initiatives were taken relating to unaccompanied refugee children in countries practising individual refugee status determination, including countries in Western Europe, North America, Australia and New Zealand. In the European Union, for example, a draft resolution on unaccompanied children is under preparation for consideration by the Working Group on Asylum in the third quarter of 1996.

39. It was also decided at the Full Round of Consultations at Berlin in February 1996 to place unaccompanied children as a first priority on the work plan of the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia for 1996. Information on the varying legislation, policies and practices on unaccompanied children is being collected in preparation for discussion in a Senior Officials' meeting towards the end of 1996. The Secretariat was also mandated to report on the legal frameworks and practices on family reunification in participating States. Furthermore, the situation of children seeking asylum in European countries was on the agenda of the European Consultation of the United Nations Study on the Impact of Armed Conflict on Children, held at Florence in June 1996.

40. Receiving countries have responded to the plight of unaccompanied children through a range of governmental and non-governmental activities. Nonetheless, UNHCR considers it imperative to ensure that effective protection and assistance is delivered to unaccompanied children in a systematic, comprehensive and integrated way. What may be acceptable procedures for adult asylum-seekers may not be in keeping with the principles of the best interests of the child and the principle of non-discrimination of children within the jurisdiction of a State party to the Convention on the Rights of the Child. Gaps in the protection and care of children arriving alone in a country may occur, whatever the background and the circumstances.

41. In this context, UNHCR has prepared a draft position paper advocating a set of principles and recommendations for childcare and protection, as contained in the Convention on the Rights of the Child, which should be applied in conjunction with the UNHCR Guidelines on Refugee Children. This paper will be discussed in a symposium organized by UNHCR in September 1996 for government representatives from countries concerned and selected non-governmental organizations. The latter play an active role in many countries in the reception of unaccompanied asylum-seeking children and in the promotion of more child-friendly asylum procedures.

42. The principles set out by UNHCR include the stipulation that under no circumstances should a child be refused access to the territory or be exposed to automatic fast-track procedures. It is further stated that children should be entitled to access to asylum procedures regardless of their age, that they should not be detained, that their application should be given priority, as should an eventual appeal, and that the durable solution identified for the child should be pursued as quickly as possible to avoid a child living in limbo longer than absolutely necessary.

43. It is also suggested that a multi-disciplinary panel be established in each country of asylum to decide on a case-by-case basis which solution is in the best interests of a child who has been determined not to be a refugee, be it local integration, resettlement or return to the child's home country. Active tracing for the child's family in the country of origin is among the steps recommended for a child not in need of international protection. Finally, it is recommended that rather than setting up separate asylum procedures for unaccompanied children, all persons involved in working with unaccompanied children should be trained to understand their needs and learn the most effective ways to help them.

44. It is hoped that this UNHCR initiative will prompt discussions about protection, assistance and care for unaccompanied children in each asylum country and development of safeguards to ensure that the needs of unaccompanied children are being met. Furthermore, it is hoped that it will enhance the cooperation of a variety of government bodies and specialized non-governmental organizations in delivering an effective continuum of protection and care.

VIII. A COMMUNITY-BASED APPROACH

45. Communities and local authorities have the primary responsibility for assuring children's survival and well-being. Outside planning, programming and funding must be oriented to building capacities to ensure that the welfare of unaccompanied children is met within local families and communities.

46. All efforts to assist unaccompanied children should be based upon existing, positive cultural mechanisms within the refugee community for caring for children separated from their parents. Building upon and using the resources and coping mechanisms of the community should be the main approach, and the community should be involved in all aspects of the care and monitoring of unaccompanied children. There are encouraging examples of programmes where the community has taken responsibility for identifying appropriate foster families, setting standards for care and protection of children living in families other than their own and for setting up monitoring mechanisms. Children who are actively protected through the involvement of their own community are likely to have a greater chance of being fully integrated in a longer-term perspective, during both the repatriation period and the period of reintegration in the home country.

IX. CONCLUSION

47. The particular vulnerability of refugee children who are unaccompanied is widely recognized. UNHCR and UNICEF have made a commitment, through their active participation in the United Nations Study on the Impact of Armed Conflict on Children, to help document existing protection gaps and carefully review the recommendations of the Study in areas relevant to unaccompanied refugee children. This will be done with a view to the implementation of measures where possible and within each agency's mandate to prevent further family separation and assist children who have become separated from their families, and to enhance active tracing and family reunification efforts. The closer and developing collaboration between UNICEF and UNHCR has prepared the ground for an improved emergency response to potential future refugee emergencies involving unaccompanied children, while at the same time ensuring compatibility with long-term solutions for the child, with those solutions most often to be found in the country of origin. It is also hoped that this closer collaboration, involving specialized non-governmental organizations, and the momentum created by the final phases of the Study and its recommendations will further contribute to an improved response to the needs of unaccompanied refugee children.